

UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO  
NOV 13 2019  
MITCHELL R. ELFER  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DANIEL HERNANDEZ, a.k.a. "Grumpy,"**  
and **SAVANNAH PADILLA,**

Defendants.

CRIMINAL NO. 19CR4184KG

Count 1: 18 U.S.C. §§ 922(g)(1) and 924:  
Felon in Possession of a Firearm;

Counts 2 and 10: 18 U.S.C. §§ 922(g)(1)  
and 924: Felon in Possession of a Firearm  
and Ammunition;

Count 3: 18 U.S.C. § 924(l): Theft of a  
Firearm;

Count 4: 18 U.S.C. §§ 922(j) and 924:  
Possession of a Stolen Firearm;

Count 5: 18 U.S.C. § 2119(1): Carjacking;

Count 6: 18 U.S.C. § 924(c)(1)(A)(ii):  
Using, Carrying, and Brandishing a  
Firearm During and in Relation to a Crime  
of Violence;

Count 7: 18 U.S.C. § 371: Conspiracy;

Count 8: 18 U.S.C. § 2119(1): Carjacking;  
18 U.S.C. § 2: Aiding and Abetting;

Count 9: 18 U.S.C. § 924(c)(1)(A)(ii):  
Using, Carrying, and Brandishing a  
Firearm During and in Relation to a Crime  
of Violence; 18 U.S.C. § 2: Aiding and  
Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

On or about September 6, 2018, in Grant County, in the District of New Mexico, the defendant, **DANIEL HERNANDEZ, a.k.a. "Grumpy,"** knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) robbery (two counts),
- (2) bribery of a witness,
- (3) larceny over \$2,500.00,
- (4) possession of explosive or incendiary device,
- (5) false imprisonment,
- (6) bringing contraband into places of confinement,
- (7) escape from custody of a police officer,
- (8) battery on a police officer, and
- (9) possession of a controlled substance, methamphetamine,

knowingly possessed a firearm in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Count 2

Beginning on or about September 7, 2018, and continuing to on or about September 8, 2018, in Grant County, in the District of New Mexico, the defendant, **DANIEL HERNANDEZ, a.k.a. "Grumpy,"** knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) robbery (two counts),
- (2) bribery of a witness,
- (3) larceny over \$2,500.00,
- (4) possession of explosive or incendiary device,

- (5) false imprisonment,
- (6) bringing contraband into places of confinement,
- (7) escape from custody of a police officer,
- (8) battery on a police officer, and
- (9) possession of a controlled substance, methamphetamine,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Count 3

On or about September 7, 2018, in Grant County, in the District of New Mexico, the defendant, **DANIEL HERNANDEZ, a.k.a. "Grumpy,"** knowingly stole a firearm, specifically, a Glock, Model 42, .380 caliber, semi-automatic pistol, serial number ABSC289, which had been shipped and transported in interstate commerce prior to the date of the alleged theft.

In violation of 18 U.S.C. § 924(l).

Count 4

From on or about September 7, 2018, and continuing to on or about September 9, 2018, in Grant County, in the District of New Mexico, the defendant, **DANIEL HERNANDEZ, a.k.a. "Grumpy,"** knowingly possessed a stolen firearm, specifically, a Glock, Model 42, .380 caliber, semi-automatic pistol, serial number ABSC289, which had been shipped and transported in interstate commerce, the defendant knowing and having reasonable cause to believe that the firearm was stolen.

In violation of 18 U.S.C. §§ 922(j) and 924.

Count 5

On or about September 7, 2018, in Grant County, in the District of New Mexico, the defendant, **DANIEL HERNANDEZ, a.k.a. "Grumpy,"** with the intent to cause death and

serious bodily harm, did take from the person and presence of K.J., by force and violence, and by intimidation, a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, specifically, a Kia Spectra.

In violation of 18 U.S.C. §§ 2119(1) and 2.

Count 6

On or about September 7, 2018, in Grant County, in the District of New Mexico, the defendant, **DANIEL HERNANDEZ, a.k.a. "Grumpy,"** knowingly used, carried and brandished a firearm during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, carjacking, as charged in Count 5 of this indictment.

In violation of 18 U.S.C. § 924(c)(1)(A)(ii).

Count 7

From on or about September 7, 2018, and continuing to on or about September 8, 2018, in Grant County, in the District of New Mexico, the defendants, **DANIEL HERNANDEZ, a.k.a. "Grumpy,"** and **SAVANNAH PADILLA,** knowingly, unlawfully and willfully combined, conspired, confederated, agreed, and acted interdependently with one another and with others unknown to the Grand Jury to commit carjacking, contrary to 18 U.S.C. § 2119(1).

Overt Acts

In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the District of New Mexico, and elsewhere:

Overt Act 1

On or about September 7, 2018, after K.J. picked up Daniel Hernandez and Savannah Padilla, Daniel Hernandez pulled a firearm on K.J. while Daniel Hernandez and Savannah Padilla demanded money from K.J.



Overt Act 2

From on or about September 7, 2018, and continuing to on or about September 8, 2018, Daniel Hernandez and Savannah Padilla took turns brandishing a firearm at K.J. while they searched K.J.'s vehicle for items of value.

Overt Act 3

From on or about September 7, 2018, and continuing to on or about September 8, 2018, after K.J. fled from his vehicle, Daniel Hernandez and Savannah Padilla took K.J.'s vehicle and they drove the vehicle around Silver City, New Mexico.

In violation of 18 U.S.C. § 371.

Count 8

From on or about September 7, 2018, and continuing to on or about September 8, 2018, in Grant County, in the District of New Mexico, the defendants, **DANIEL HERNANDEZ**, a.k.a. "Grumpy," and **SAVANNAH PADILLA**, with the intent to cause death and serious bodily harm, did take from the person and presence of K.J., by force and violence, and by intimidation, a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, specifically, a Kia Spectra.

In violation of 18 U.S.C. §§ 2119(1) and 2.

Count 9

From on or about September 7, 2018, and continuing to on or about September 8, 2018, in Grant County, in the District of New Mexico, the defendants, **DANIEL HERNANDEZ**, a.k.a. "Grumpy," and **SAVANNAH PADILLA**, knowingly used, carried and brandished a firearm during and in relation to a crime of violence for which the defendants may be prosecuted in a court of the United States, specifically, carjacking, as charged in Count 8 of this indictment.

In violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2.

Count 10

On or about September 9, 2018, in Grant County, in the District of New Mexico, the defendant, **DANIEL HERNANDEZ, a.k.a. "Grumpy,"** knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) robbery (two counts),
- (2) bribery of a witness,
- (3) larceny over \$2,500.00,
- (4) possession of explosive or incendiary device,
- (5) false imprisonment,
- (6) bringing contraband into places of confinement,
- (7) escape from custody of a police officer,
- (8) battery on a police officer, and
- (9) possession of a controlled substance, methamphetamine,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY

  
Assistant United States Attorney  
Rcw

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